

Please amend the claims as follows:

1. (currently amended) A media purchase goal correlation system, comprising:
- an advertising media purchase, said media purchase relating to a predetermined subject matter and being placed in either of movies, video, television, interactive television, radio and print media within a stated geographic area;
 - said media purchase including ~~either of an Internet website address and other~~ ~~unique trackable identifier~~ for accessing further information related to the subject matter of the media purchase;
 - a first database, said first database containing records relating to the start date, end date, and stated geographic area for a plurality of media purchases;
 - means for inputting and maintaining records in said first database;
 - means for determining the geographic location associated with an Internet Protocol address;
 - means for grouping said geographic locations into uniform stated geographic areas;
 - a second database, said second database containing records correlating Internet Protocol addresses of Internet users with stated geographic areas;
 - means for inputting and maintaining records in said second database;
 - means for determining the Internet Protocol address of an Internet user accessing said Internet website address;
 - means for tracking the timing of Internet-related goals achieved by said Internet user related to his accessing said Internet website address;

means for accessing said second database and assigning a stated geographic area to said user's Internet-related goals;

means for inputting the timing of occurrences of said Internet-related goals and assigned stated geographic area to said first database; and

means for correlating and reporting the timing of Internet-related goals achieved by said Internet user with the start date, end date and a residual period for media purchases within said stated geographic area.

2. (original) A media purchase goal correlation system as described in Claim 1, further comprising:

a media purchase effectiveness report, said effectiveness report comprising a media type, media name, stated geographic area of the media purchase, start date, end date, summary of Internet traffic originating in said stated geographic area between said start and end dates, and summary of Internet-related goals achieved for Internet users located within the stated geographic area between said start and end dates and during a residual period; and

whereby, said media purchase effectiveness report will permit a media buyer to correlate volume of Internet traffic and related goal achievement resulting from a media purchase in a stated geographic area.

3. (original) A media purchase goal correlation system as described in Claim 2, wherein said media effectiveness report is compiled continuously from the start date to the end date of

the media purchase and for the residual period and is made available through the Internet, whereby a media buyer may evaluate the initial and residual Internet-related impact of any media purchase.

4. (original) A media purchase goal correlation system as described in Claim 1, wherein said Internet-related goals comprise sales, downloads, arrivals at specified web addresses, user data capture, sales lead generation, identification of dealer locations, viewing of specific text, viewing of specific images and receiving sound transmissions.

5. (original) A media purchase goal correlation system as described in Claim 1, wherein the means for correlating and reporting the timing of Internet-related goals achieved by an Internet user with the start date, end date and a residual period for media purchases within said stated geographic area further comprises:

graphical representations of media purchases for specified periods for stated geographical areas;

graphical representations of timed occurrences of media goals achieved in said stated geographical areas; and

graphical representations of the correlation of said timed occurrences of media goals with said media purchase periods for said areas.

6. (original) A media purchase goal correlation system as described in Claim 5, wherein the means for correlating and reporting the timing of Internet-related goals achieved by an Internet user with the start date, end date and a residual period for media purchases within

said stated geographic area further comprises pattern recognition systems for analyzing data yielding said graphical representations to produce a media purchase decision.

7. (original) A media purchase goal correlation system as described in Claim 1, wherein the means for correlating and reporting the timing of Internet-related goals achieved by an Internet user with the start date, end date and a residual period for media purchases within said stated geographic area further comprises:

baseline statistical reports of media goals achieved absent media purchases;
statistical reports detailing media goals achieved after media purchases; and
reports comparing baseline statistics to those resulting from media purchases in
stated geographical areas.

8. (original) A media purchase goal correlation system as described in Claim 1, wherein the means for correlating and reporting the timing of Internet-related goals achieved by an Internet user with the start date, end date and a residual period for media purchases within said stated geographic area further comprises:

historical reports detailing effectiveness of media purchases in stated geographical areas; and
means for comparing said historical reports to current media goal achievement reports to determine differential effect of new media purchases; and
whereby, such comparisons are useful for predicting the effect of future media purchases.

Claim Rejections 35 U.S.C. §112

2. The Examiner rejected claims 1-8 under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner stated: "To satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude (sic). The claimed invention as a whole may not be adequately described if the claims require an essential or critical feature which is not adequately described in the specification and which is not conventional in the art or known to one of ordinary skill in the art. The independently claimed steps of means for tracking the timing of Internet goals achieved by said Internet user related to his accessing said Internet website address (which is included in the media purchase), when the advertising media purchase includes the unique trackable identifier such as a code, for accessing further information related to the subject matter of the media purchase and correlating and reporting the timing of Internet-related goals to the media purchase is a critical feature which is not adequately described in the specification and which is not conventional in the art or known to one of ordinary skill in the art, because the specification does not teach how the user accesses an Internet website address when a unique trackable identifier is provided, with the media purchase, to the user. How does the user access further information related to the subject matter by referring to the unique identifier? The system does not include "means for" when a unique trackable identifier is used instead of Internet website address. There is no correlation between the unique identifier included in the media purchase and the web site address being tracked for Internet-related goals. Since claims 2-8 are dependent upon the essential or critical feature, those claims are also rejected as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s) had possession of the claimed invention. In light of the specification, as best understood by the examiner the rejection of 102 or 103 as stated below applies."

4. The Examiner rejected claims 1-8 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. The Examiner stated: "Claim 1, recites limitation in an alternative way. The claim recites the [advertising] media purchase including either an Internet website address or a unique trackable identifier. Applicant in his argument explains the unique identifier such as a code number used in a special purchase offer being provided, however the claimed database does not include data related to goals or activities achieved during the promotional period. There is no correlation between the code or identifier provided with the purchase media and the Internet related goals achieved by an Internet user related to accessing Internet website address. By claiming a unique trackable identifier included in a purchase media and tracking timing of Internet-related goals makes the claim indefinite."

6. The Examiner rejected claims 2-8 since they depend on rejected claim.

Applicant has removed reference to the "unique trackable identifier" in claim 1. This satisfies the grounds of rejection specified in paragraphs 2, and 4-6, rendering claims 1-8 allowable.

Claim Rejections -35 USC § 103

8. The Examiner rejected claims 1-8 under 35 U.S.C. 103(a) as being unpatentable over Branddata(TM) as stated in the articles "Promotion Insights tracks coupons used in web" by Liz Parks (hereinafter Parks), "International Data L.L.C launches on-line redemption database" and "<http://web.archive.org/web/200001190811...nddata.com/intdataldocs/branddata2a>" (hereinafter web.archive.org) and further in view of Ryu U.S. Patent No. 6,377,961.

9. The Examiner stated: "Regarding claims 1-8, Branddata teaches tracking advertising media purchase relating to a predetermined subject matter and being placed in either movies, video,...(sic) within a stated geographical area, said media purchase including unique trackable identifier (barcode) (see page 1 of web.archive.org), database containing records relating to the start date, end data and stated geographical area for a plurality of media purchases and means for

inputting and maintaining records in a first database (see page 1 of Parks). Branddata does not teach determining the geographical location associated with an Internet Protocol address, means for grouping said geographic locations into uniform sated geographic area and a second database containing records correlating Internet protocol addresses of Internet users with stated geographic area and means for inputting and maintaining records in the second database, ...Since the claimed invention is claimed in an alternative way, and if the media purchase includes a unique trackable identifier, the limitation related to the media purchase including an Internet website address does not apply. Therefore, no weight was given to limitations, such as determining the Internet Protocol address of an Internet user accessing said Internet website address, tracking the timing of Internet-related goals by said user related to his accessing said Internet website address.”

This rejection is predicated on Branddata teaching use of a barcode (unique trackable identifier). Removal of the reference to the unique trackable identifier from Claim 1 satisfies this rejection.

Applicant further points out that the system described as BrandData is very different from the instant invention. First, the BrandData system deals exclusively with coupons. “...a web-based coupon marketing intelligence system designed for retailers and manufacturers to use in measuring the effectiveness of brand and private label couponing programs.” *Parks*, page 1, par 1. Coupons including bar codes, by their very nature, must be printed and thus cannot be provided in other than print media. None of the materials cited by the Examiner state how the coupons are distributed but it is prima facie obvious that coupons cannot be provided in movies, video, television, interactive television or radio advertising. Thus the BrandData system is much more limited in scope than the present invention: the BrandData system provides no way for users of the system to measure the effectiveness of advertising media purchases in any venue other than printed advertisements.

Second, a consumer can only do one thing with a coupon. A coupon may only be applied to a purchase to receive a discount or other benefit. None of the Internet-related goals such as downloads, arrivals at specified web addresses, consumer data capture, sales lead generation, identification of dealer locations, viewing of specific text, viewing of specific images or

receiving sound transmissions (see Claim 4 of the instant invention) can be achieved through the use of coupons conveyed to consumers through printed media. The only information that can be produced through the use of coupons is when and where the coupon was redeemed. A sale of this nature could not be correlated with a consumer that had accessed a website since the BrandData system does not provide for capture of this information.

Third, the BrandData system does not provide for any interaction with the consumer. The BrandData system only tracks use of coupons in geographic areas over time. In the instant invention, the consumer is provided with a website address through advertising delivered in a wide variety of media, namely, television, movies, video, radio, interactive television, and print media. The consumer is then able to use this website address to achieve a variety of Internet-related goals as discussed above. The variety of these goals provides much more information about the consumer than does a simple purchase. The BrandData system only tracks when and where coupons are redeemed. The instant invention can provide an insight into the relative interest of the consumer. For example, it can show that the consumer was interested enough to visit the website, but not interested enough to make a purchase. It can show whether the consumer was sufficiently interested to view an online video or link to a related site but not make a purchase. It can show whether the consumer seeks answers to questions regarding a product. The present invention does require the use of a system to determine the geographic location of an Internet address of a consumer accessing the website of an advertiser so that the advertiser may determine the geographic location of those responding to his advertising. All of this additional information, which can be provided through the present invention, represents a substantial improvement over the BrandData system and thus patentable subject matter.

The Examiner further states “[I]t is disclosed in Ryu (see col. 4 lines 29-55). Ryu teaches a database correlating Internet address and geographical address. It would have obvious to one of ordinary skill in the art at the time of the invention to combine Branddata’s tracking of distributed coupon and Ryu’s Internet address and geographical address database in order to allow the distributors of the coupon to access the server that tracks the distributed coupons.”

In the BrandData system, a website is provided that allows users of the system (that is marketers of merchandise not consumers) to examine categories and then brands within that

category on a market-by-market basis and view ads that ran carrying a coupon to gain marketing intelligence about the image being created for that brand. Information includes the dollar value of a coupon, the circulation for a coupon and the frequency of coupon drops (redemptions). *Parks*, page 1, paragraph 3. There is no information provided in the cited materials about how redemption data is correlated geographically. Web.archive.org seems to imply that data is captured as the coupons are processed. It is well known that coupons are sent to a central clearing house so that proper credits can be calculated and sent to the merchants who redeem the coupons in their stores. In that case the clearing house knows exactly where the coupons came from. There is absolutely no need for *Ryu*'s Internet address and geographical address database. A combination of *Ryu*'s database with the BrandData database is nonsensical.

"The combination of elements from non-analogous sources, in a manner that reconstructs the applicant's invention only with the benefit of hindsight, is insufficient to present a prima facie case of obviousness. There must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination. That knowledge cannot come from the applicant's invention itself." *In re Oetiker*, 24 USPQ 2d 1443, 1446 (Fed. Cir. 1992).

Here the Internet address and geographical address database of *Ryu* and the BrandData system are certainly non-analogous sources as the former is a Method for Displaying Internet Search Results and the latter is a system for tracking use of paper coupons. They cannot be combined to yield the present invention. As discussed above the BrandData system cannot be enhanced or even used in any fashion in combination with the *Ryu* invention. Consequently, there is absolutely no reason, suggestion, or motivation found in either *Ryu* or BrandData whereby a person of ordinary skill in the field of the invention would make the combination.

In summary, as *Ryu* cannot be combined with the BrandData system to yield the present invention. Applicant maintains, therefore, that this rejection under 35 U.S.C. 103(a) is traversed.

10. The Examiner rejected claims 1-8 under 35 U.S.C. 103(a) as being unpatentable over Walter et al. U.S. Patent No. 6,334,110 further in view of Official Notice.

11. The Examiner stated: "Regarding claims 1-8, Walter teaches advertising media purchase being placed in either of movies, video, television, interactive television, radio or print media within geographic area; a first database containing records relating to the start date, end date and stated geographic area for a plurality of media purchase and means for inputting and maintaining the records (see fig. 7, 8 & 9 and col. 6 line 47 to col. 7 line 36); means for grouping said geographic locations into uniform stated geographic area; means for tracking the timing of the Internet-related goals achieved by Internet user of an Internet website address and means for correlating and reporting the timing of the Internet-related goals achieved by the Internet user with the start date...(sic) media purchase effectiveness report...complied (sic) continuously from the start date... (sic) (see fig 7-11 and col. 7 lines 10-36). Walter teaches tracking user behaviors at any time therefore, it would be obvious to correlate and report Internet-related goals achieved with residual period since any Internet user who saw the advertisement the last day of the ad, would purchase a product related to the media purchase few days later. Walter teaches the region (geographic location) where the advertisement (campaign) is to run and the analysis of the campaign based on different regions (see fig. 11). Walter does not explicitly teach means for determining the geographic location associated with an Internet Protocol address and determining the Internet Protocol address of an Internet user accessing the Internet website address. Official notice is taken that determining the Internet Protocol address of an Internet user accessing a website and determining the geographic location associated with the Internet Protocol address and is old and well know (sic) in the art of Internet and also as admitted art by the applicant. It would have been obvious to one of ordinary skill in the art at the time of the invention to determine the Internet Protocol address of the Internet user accessing a website and determining the geographic location in order to provide target advertisement or promotional campaign to specific audiences. Walter teaches the mode the campaign is to be distributed (in store coupon, home mailer, etc.), however Walter does not explicitly teach an Internet website address being included in the media purchase. Official notice is taken that is old and well known to include addresses or location of a business site, the campaign is being run for, in the art of marketing. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the address of the business site, whether it is an Internet address or brick and mortal stores, in order to inform potential buyer the location of the business site."

The Applicant respectfully traverses this rejection. The claims in *Walter* are very terse and generic. They must be interpreted in light of the specification. The *Walter* invention includes the following steps:

“In step one, sources of information are temporally tagged by the customer ‘touchpoint’, which in the preferred embodiment may be a scanner, a kiosk, a customer care center, or a web browser. However, this invention may use other sources as well and includes any point at which a customer interfaces with a business. This information is kept in a SDW database such as the Teradata database available from NCR.

In step two, temporally tagged transaction or browsing information is analyzed to create temporal profiles. These profiles are created one per customer, and represent a complex time series object that captures the sequence of browsing and buying activity as well as the timestamp of each activity and the product being browsed or bought.

Individual temporal profiles can then be clustered using traditional data mining methods to identify groups, or segments of customers with similar browsing or buying behaviors at particular points in time. These clusters are called ‘virtual communities of interest’.

In step three, the marketing analyst then uses these segments to develop segment-specific advertising campaigns to appeal to these virtual communities of interest. Each temporal campaign involves an offer that will be made through one or more of the channels whenever the customer is identified through those channels and the profile indicates an opportunity for dynamic advertising. In this step, the marketing analyst decides which offers will be made to which communities of interest, through which channels, and when. This information is also kept in a database such as the Teradata database available from NCR.

Step four occurs when a customer who is a member of a particular virtual community of interest browses or buys at a specified time through a channel that can connect to the database. A check is made whether unique targeted advertising or offers are to be made to the customer. If so, the advertising information content is sent to the end user.

Step five involves the gathering of statistics over a period of time to determine the effectiveness of the advertising by channel. Temporal profiles that are successful are highlighted for reuse or further decomposition. Profiles which were not good predictors of subsequent buying behavior are discarded.” Column 2, lines 17-59.

The instant invention is nothing like the *Walter* invention. In *Walter*, the process begins with the interaction of a customer with a website or other commercial setting, at which time data regarding the customer is recorded including the timing of the interactions. A temporal profile of

the customer is then created and then grouped together with other similar profiles. A targeted marketing plan is then developed for this group of customer profiles. When the customer appears in a designated marketing channel at a particular time, targeted advertising content is sent to the customer. Results of such targeted marketing are then analyzed over a period of time to determine their effectiveness by channel. Successful profiles are maintained while others are discarded.

In contrast, the instant invention begins with a marketing campaign in a designated area and then tracks internet-related marketing goals achieved and determines the geographic origins of those internet-related goals. The achievement of these goals is then correlated with the ad campaign used. As such, the two systems go about marketing from opposite ends of the problem and thus *Walter* cannot be seen to anticipate the present invention.

The examiner states “a first database containing records relating to the start date, end date and stated geographic area for a plurality of media purchase and means for inputting and maintaining the records (see fig. 7, 8 & 9 and col. 6 line 47 to col. 7 line 36);”. However, the inventions differ significantly in the type of information being maintained, and its intended uses. An examination of the stated text reveals that *Walter* is storing information generated by the marketing analyst with regards to which offers should be shown to which customer through what channels and when. This information is to be used to determine dynamically generated interaction with the customer. In sharp contrast, the present invention has no dynamic interaction with the customer, and the information stored in the database does not relate to who, what, how, when, or where the dynamic points of interaction with the customer should introduce offers. Rather, the present invention relies on traditional media campaigns that have no dynamic interaction with the customer, and the information stored in the database relates only to the timing and geography of the introduction of static offers such as newspaper ads.

The examiner states “*Walter* teaches the region (geographic location) where the advertisement (campaign) is to run and the analysis of the campaign based on different regions (see fig. 11).” The problem here is that in order to analyze the campaign by region, *Walter* depends on the identification of the customer based on previously gathered profile data. The present invention does not rely on the identification of the customer based on previously gathered

profile data, but rather directly computes the customers region from their IP address. While the examiner addresses this issue, the conclusion that “determining the Internet Protocol address of an Internet user accessing a website and determining the geographic location associated with the Internet Protocol address and is old and well know (sic) in the art “would then enable one skilled in the art to be able to analyze the *Walter* data with regards to geography, is traversed by a previously mentioned rule, namely:

“The combination of elements from non-analogous sources, in a manner that reconstructs the applicant's invention only with the benefit of hindsight, is insufficient to present a prima facie case of obviousness. There must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination. That knowledge cannot come from the applicant's invention itself.” *In re Oetiker*, 24 USPQ 2d 1443, 1446 (Fed. Cir. 1992).

The examiner inadvertently differentiates the two inventions with the acknowledgement that the purpose of IP to geography computation is only useful in *Walter* for “determining the geographic location in order to provide target advertisement or promotional campaign to specific audiences.” The present invention does not use the geographic location to provide target advertisements or promotional campaigns to specific audiences. Rather it uses the geographic location to compute the effectiveness of ad campaigns after the campaigns have run.

In the present invention, the system does not track or analyze the achievement of marketing goals unless they are a direct result of an advertising campaign. The only reason to track the achievement of marketing goals that are not a direct result of an advertising campaign is to be able to statistically dissociate them from the data about which the system is concerned. In *Walter*, since all customer behavior is used in the generation of profiles, it is essential to record and analyze all customer behavior regardless of whether it is a direct result of an advertising campaign.

As described in the Abstract, the *Walter* invention “captures information about customer transactions and interactions over time, classifies customers into one or more clusters based on their time-based interactions and transactions, or both and uses this classification to perform selected target marketing and cross-selling. This is performed by temporally tagging customer transactions and interactions, analyzing the tagged information to create temporal profiles,

creating advertising campaigns aimed at the temporal profiles, triggering an advertising campaign, and analyzing the effectiveness of the advertising campaign.” In the present invention, no profiles of customer behavior are ever created, and no such profiles are ever grouped together to determine patterns of behavior. It is these patterns of profiled behavior, which are key to all other phases of the Walter invention, including the analysis phase, as well as the targeting of the advertising campaigns. In contrast, the analysis phase of the present invention relies on a correlation of customer location, rather than behavior, to the achievement of marketing goals. Further, the present system only analyzes activity and does not target ad campaigns. However, if one were to incorrectly consider the human use of the analysis results in the determination of future ad campaigns as the enacting of the present invention targeting ad campaigns then it should be noted that the present invention would then be considered to target a customer’s geography, rather than their patterns of profiled behavior.

As explained in the Description of Prior Art of *Walter*, there are many systems for capturing patterns of behavior and analyzing them so as to generate interactions, such as marketing campaigns, to promote the achievement of marketing goals. The differentiating factor of *Walter* is the inclusion of temporal information in the data gathering and analysis. The summary of the Invention describes how the temporal information is important when it states that “Gathering the time an interaction took place may be useful in segmenting customers, because browsing time may be quite different from transaction time”. In other words, the temporal information is being used to determine the patterns of behavior of the customer. In contrast, the differentiating factor of the present invention is the correlation of geographic information to temporal information with regards to ad campaigns and advertising goals. Further, the present invention uses temporal information for the sole purpose of correlating the timing of an advertising campaign with the resulting achievement of advertising goals, and not for segmenting customers, or analyzing customer behavior.

Another important distinction is suggested in the Summary of the Invention of *Walter* when it states that “With temporal profiling and temporal campaign management, marketing analysts can identify when people tend to be amenable to advertising”. In other words, *Walter* attempts to determine the best time to present advertising to the customer, by analyzing the

relationship between the timing of ad campaigns with the behavior of customers. The present invention has no such goal. The present invention does not try to optimize the timing of ad campaigns, but rather, to optimize the geographic location of these campaigns.

The Summary of the Invention of *Walter* describes the two specific situations in which ad campaigns are targeted at customers in steps three and four. In step three, ad campaigns are introduced to specific “communities of interest”, previously described as being determined through aggregation of patterns of behavior, through “specific channels”, previously described as being determined through correlative analysis of behavior clusters with potential advertising channels, and at specific times, previously described as being determined through correlative analysis of temporal profiling with temporal campaign management. In contrast, the present invention does not determine to whom ad campaigns will be introduced based on patterns of behavior but rather based on geographic location. The present invention also does not determine advertising channels based on profiling information, but rather based on geographic location. Further the present invention does not determine ad campaign timing based on temporal profile analysis, but rather supplies correlative analysis based on geography to enable a user of the invention to adjust ad campaign geography over time.

Prior Art Made of Record and Not Relied Upon

Applicant has reviewed the other references cited and believes that none of these references, individually or in combination, disclose the present invention.

Extension of Time

As this Office Action was subject to a 3 month statutory period from the mailing date of the communication and as this Response is filed prior to the expiration of the sixth month from said date, enclosed please find a credit card form authorizing a charge of \$465 as the fee for a three month extension of time for a small entity.